

**BEFORE THE KANSAS BOARD OF VETERINARY EXAMINERS**

In the Matter of the Licensure of:	)	
	)	<b>Case No. 20063</b>
NEIL WILLARD, D.V.M.	)	
Kansas License No. 4981,	)	
Respondent	)	
_____	)	

**STIPULATION AND CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Board of Veterinary Examiners ("Board") and Neil Willard, D.V.M. ("Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden & Forbes, LLP, 1414 SW Ashworth Pl., Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney, \_\_\_\_\_.
2. The Board is the Kansas agency vested with the authority, pursuant to K.S.A. 47-818(a), to carry out and enforce the provisions of the Kansas Veterinary Practice Act, K.S.A. 47-814 *et seq.* ("Act"), including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas license to practice veterinary medicine.
3. The Respondent is presently entitled to engage in the practice of veterinary medicine in the State of Kansas by reason of the Board having issued him Kansas license number 4981 ("Kansas License").
4. The Board's Probable Cause Committee has received certain information, investigated, and determined that there are reasonable grounds to believe that Respondent has committed one or more acts described in K.S.A. 47-830 which would justify the imposition of disciplinary action against his Kansas License under the provisions of K.S.A. 47-830 and the assessment of an appropriate fine against Respondent under the provisions of K.S.A. 47-842.

*Matter of Neil Willard, D.V.M., No. 20063 (Kansas Board of Veterinary Examiners)*

**STIPULATION AND CONSENT ORDER**

1. Comply fully with this Stipulation and Consent Order; and
2. Comply fully with the Act, the Board's rules and regulations and all state and federal laws relating to the practice of veterinary medicine in the State of Kansas.

8. The stipulations and orders contained herein shall not become binding until this Stipulation and Consent Order is approved and entered by the Board through the signature of its designated representative, Joan E. "Jody" Johnson, D.V.M., MS, Ph.D. The Respondent acknowledges that the approval of the Board's attorney shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order.

9. The Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it. The Respondent further agrees that the Act is constitutional on its face and as applied in this case.

10. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

11. The Respondent acknowledges that he has the following rights:

- A. To have formal notice of charges served upon him;
- B. To file a response to the charges;
- C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and
- D. To take advantage of all applicable provisions of the Kansas Administrative Procedure Act and the Kansas Judicial Review Act.

5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded, and passed, the Board finds, that on November 6, 2020 Respondent signed a falsified Certificate of Veterinary Inspection ("Certificate") indicating that a female puppy had received a vaccination when in fact, at the time Respondent signed the Certificate, the puppy had not.

6. Upon motion duly made, seconded, and passed, the Board finds that the conduct as described in paragraph 5 above violated the Act and, as a result, Respondent's Kansas License is subject to discipline pursuant to K.S.A. 47-830(o) as defined at K.A.R. 70-8-1(i).

7. The Respondent agrees and consents, and the Board finds and concludes, that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Respondent agrees and the Board further orders that Respondent shall pay to the Board an administrative fine in the amount of Five Hundred Dollars (\$500.00) to be paid within 30 calendar days of the effective date of the Consent Order contemplated hereby.

B. EXAMINATION. Respondent agrees and the Board further orders that within 60 days of the effective date of the Consent Order contemplated hereby, Respondent shall take and pass the Board's Jurisprudence Examination. If the Respondent fails to pass the examination, he shall retake it within each subsequent 60-day period until he does pass it. It shall be the Respondent's responsibility to arrange with the Board's Executive Director to receive and return the examination as required hereby.

C. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order he must, and the Board further orders the Respondent to:

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against him to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order.

12. The Respondent acknowledges that he enters into this Stipulation and Consent Order freely and voluntarily after consultation with or an opportunity to consult with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and Consent Order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary, or capricious.

13. Time is of the essence to this Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Stipulation and Consent Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against him. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Consent Order.

14. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

15. Upon execution by all parties and entry as an order by the Board, this Stipulation and Consent Order shall be a public record in the custody of the Board.

16. This Stipulation and Consent Order shall become effective on the day it is approved, accepted, and made an order of the Board by way of signature of the Board's Executive Director, Joan E. "Jody" Johnson, D.V.M., MS, Ph.D.


17. The Respondent acknowledges that he has been advised by the Board that he would have the right, after the Board's approval and within 15 days after service of this Stipulation and Consent Order, to file a petition for reconsideration with the Board and the right, within 30 days after service of the Stipulation and Consent Order, to file a petition for judicial review in a District Court of Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*, and to serve such a petition for judicial review on the Board by serving its Executive Director, Joan E. "Jody" Johnson, D.V.M., MS, Ph.D., PO Box 379, Wamego, KS 66547-0379. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 17<sup>th</sup> day of February, 2021.

KANSAS BOARD OF VETERINARY EXAMINERS

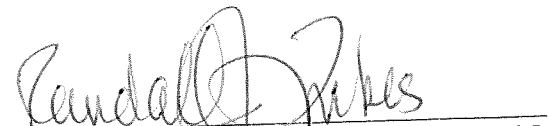
By: Joan E. "Jody" Johnson, D.V.M.  
JOAN E. "JODY" JOHNSON, D.V.M, MS, PH.D.,  
Executive Director

AGREED AND APPROVED BY:

  
NEIL WILLARD, D.V.M.

2/6/2021  
Date

Respondent's Attorney's Name & Address

  
Randall J. Forbes KS# 09089 MO# 64335  
FRIEDEN & FORBES, LLP  
1414 SW Ashworth Pl., Suite 201  
Topeka, Kansas 66604  
TEL: (785) 354-1100  
FAX: (785) 354-1113  
**Disciplinary Counsel for the Kansas  
Board of Veterinary Examiners**

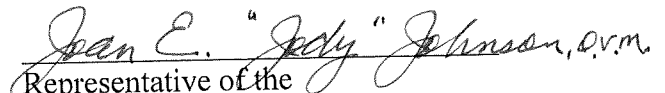
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Date  
02/11/2021  
Date

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **STIPULATION AND CONSENT ORDER** was served by depositing same in the United States mail, postage prepaid, this 17<sup>th</sup> day of February, 2021, addressed to:

Randall J. Forbes  
FRIEDEN & FORBES, LLP  
1414 SW Ashworth Place, Suite 201  
Topeka, KS 66604

Neil Willard, D.V.M.  
518 East 47 Highway  
Girard, KS 66743

  
Representative of the  
KANSAS BOARD OF  
VETERINARY EXAMINERS